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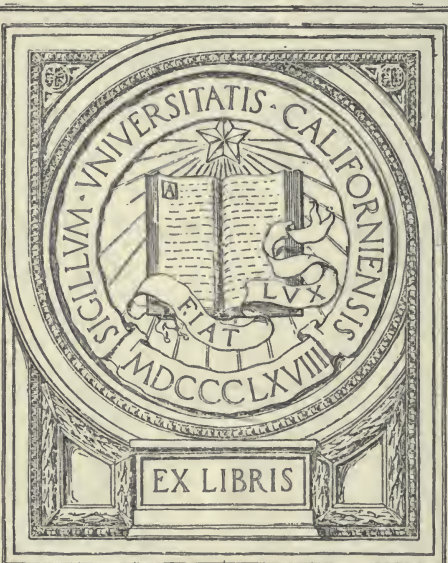
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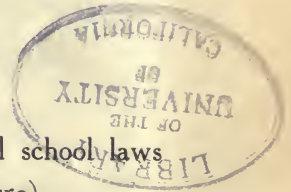
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LEGISLATURE

of

1922

(The Twelfth Compilation containing all school laws
will be issued in the near future)



Issued by the
STATE DEPARTMENT OF EDUCATION
Baton Rouge, La.

T. H. HARRIS,
State Superintendent of Public Education

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ACT No. 20.

House Bill No. 195.

By Mr. McEachern.

Substitute for House Bill No. 83 by Mr. McEachern.

AN ACT.

To authorize Parish School Boards in the State of Louisiana to execute oil, gas and mineral leases on any lands belonging in whole or in part to said School Boards, and to fix the terms and conditions of such leases.

Section 1. Be it enacted by the Legislature of Louisiana that the Parish School Boards of the several parishes of the State be and they are hereby authorized and empowered to execute oil, gas and mineral leases upon any lands owned in whole or in part by such School Boards for the purpose of having them explored, developed, drilled and mined for oil, gas and other minerals.

School Board authorized to execute leases for oil, etc.

Section 2. That the School Board of any parish desiring to effect such a lease shall fix the terms and conditions thereof, collect the amounts due thereunder, and place same to the credit of the Public Schools of the said Parish.

Duty of School Board.

Section 3. That the execution of such lease or leases shall be made only after a resolution has been legally adopted by the said School Board, in regular session assembled, authorizing the execution of such lease or leases. The resolution shall set forth in detail the property to be leased as well as the terms and conditions thereof, and the lease or leases shall be executed in strict conformance therewith. In the same resolution the said Board shall likewise designate one of its members to sign and execute the lease for the said Board.

Resolution.

Section 4. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved by the Governor:

July 10, 1922, 11:10 a. m.

ACT No. 33.

House Bill No. 375.

By Mr. Alexander, by request.

AN ACT.

To provide for the merging or consolidating of School Districts.

Section 1. Be it enacted by the Legislature of Louisiana, that the school boards of the various parishes of this state be and they are hereby authorized and empowered upon their own initiative to merge or consolidate two or more school dis-

School Districts may consolidate.

tricts into one; and that when petitioned by twenty-five (25%) percent., or more, of the property taxpayers, resident of two or more districts who desire said districts to be merged or consolidated, the school board shall submit said matter to an election of property taxpayers, qualified to vote in said districts, said election to be held in accordance with the terms and conditions of Act 256 of the Legislature of 1910 and the amendments thereto, and if a majority of the votes cast at said election is in favor of said merger or consolidation, then the said board shall at once provide for the merging or consolidating of the said districts into one.

Section 2. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved by the Governor:

July 13, 1922, 9:50 a. m.

ACT No. 48.

Senate Bill No. 7.

By Mr. Clinton.

AN ACT.

To confirm, validate and declare legal and binding as against the State of Louisiana and all other persons, bodies or corporations created by it, certain sales of Section Sixteen (16), in Township Thirteen (13) North, Range Ten (10) East, in Tensas Parish, Louisiana, made by W. M. Davidson, Parish Treasurer thereof.

Evidence of the notice of intention to introduce and have this Act passed by the Legislature of Louisiana, in accordance with Article 4, Section 6, of the Constitution of 1921, having been produced.

**Description
property.**

of Section 1. Be it enacted by the Legislature of Louisiana, That the following described sales made by the officer named of Section 16, Township 13 North, Range 10 East, described therein, be and they are hereby confirmed, validated and declared legal and binding conveyances of said lands, to-wit:

(a) Sale of $S\frac{1}{2}$ of $SE\frac{1}{4}$ of said Section by W. M. Davidson, Parish Treasurer of Tensas Parish, Louisiana, unto Dan. F. Myers, on April 22nd, 1902, recorded April 23rd, 1902, in Notarial Record "N", page 742, of the Records of Tensas Parish, Louisiana.

(b) Sale of the $SW\frac{1}{4}$, $NW\frac{1}{4}$, $NE\frac{1}{4}$ and $N\frac{1}{2}$ of $SE\frac{1}{4}$ of said Section by W. M. Davidson, Parish Treasurer of Tensas Parish, Louisiana, unto Lycurgus Burns, Jr., on June 12th, 1902, recorded June 18th, 1902, and correction deed dated August 4th, 1902, recorded August 5th, 1902, respectively, in Notarial Record

“N”, pages 781 et seq., and Notarial Record “O”, pages 3 et seq., of the Records of Tensas Parish, Louisiana.

Section 2. That the said Dan F. Myers and Lycurgus Burns, Jr., and their heirs and assigns, as based upon the above recited alienations, be, and they are hereby, confirmed, approved and validated as legal and binding as against any and all claims and demands of the State of Louisiana, and all persons and bodies created by it.

Section 3. That all laws or parts of laws in conflict herewith, be, and the same are hereby repealed.

Approved by the Governor:

July 13, 1922, 10:10 a. m.

ACT No. 50.

House Bill No. 74.

By Mr. Shattuck.

AN ACT.

To empower the Police Juries of the several Parishes to defray the living expenses of young men and women in the School of Agriculture at the Louisiana State University and Agricultural and Mechanical College, under specified conditions, by means of a contract with the beneficiaries thereof, and providing the recourse of the Parish in case of a violation of the said contract.

Section 1. Be it enacted by the Legislature of Louisiana that the Police Juries of the several Parishes are hereby empowered to defray the expenses of young men and women, residents of Louisiana, who have graduated from any high school of the State or high school of another state, of recognized standing, to the number of not more than one from each ward of the parish at any one time, and three from the Parish at large who agree and obligate themselves to enter upon the study of agriculture and to pursue such study at the Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana, until they graduate from such University in the School of Agriculture.

Police Jury empowered to defray expenses of agricultural students at L. S. U.

Section 2. As a condition precedent to availing themselves of this act, it must be shown to the satisfaction of the Police Jury that the young man or woman applying for aid under this act is financially unable to educate himself in the course of Agriculture and that his relatives are likewise unable to render him the necessary financial assistance to enable him to receive such an education.

Conditions.

Section 3. Before any young man or woman may take advantage of the provisions of this act, he or she with his or her parents or tutor, must enter into a contract with the Police Jury

Contract.

of the Parish, to be prepared by the District Attorney, agreeing that in consideration of the aid to be rendered under the provisions of this act, the recipient becomes obligated to pursue the study of agriculture until graduation, and after graduation will return to the Parish furnishing the assistance and practice the profession of an agriculturist for two years.

Penalty for violation of contract.

Section 4. Any person taking advantage of the provisions of this act who shall violate any provision of the contract above provided for shall, by reason of such breach of contract become indebted thereby unto the Parish with whom the contract is made in the full amount expended by the Parish under the provisions hereof, and the Police Jury of the said Parish is hereby empowered to bring suit to recover said sum at any time within a period of five years dating from the date that the breach of contract occurred.

Section 5. That all laws or parts of laws in conflict herewith, be and the same are hereby repealed.

Approved by the Governor:

July 13, 1922, 10:45 a. m.

ACT No. 94.

House Bill No. 137.

By Mr. McGiehan.

AN ACT

Authorizing and empowering the New Orleans Conservatory of Music and Dramatic Art, Incorporated, an institution for the teaching of music and dramatic art, domiciled in the Parish of Orleans, to grant diplomas, and to confer degrees in music, expression and dramatic art.

Whereas, proper and sufficient evidence has been exhibited in and to the Legislature that notice of the intention to apply for the passage of this Act has been published, as required by Section 6 of Article IV of the Constitution of the State of Louisiana.

New Orleans Conservatory of Music and Dramatic Art, Inc., authorized to issue diplomas.

Section 1. Be it enacted by the Legislature of Louisiana, that the New Orleans Conservatory of Music and Dramatic Art, Incorporated, an institution for the teaching of music, expression and dramatic art, domiciled in the Parish of Orleans, and duly recognized as a body corporate, and entitled to the enjoyment and exercise of all the rights, duties and privileges appertaining to civil corporations, shall have the right and power, and is hereby authorized, to graduate students and to grant diplomas to its graduates and to confer degrees of Bachelor of Music, Master of Music, Doctor of Music, Bachelor of Oratory, Master of Oratory, and such degrees as are conferred by similar institutions, upon their graduates and others that

may be deemed worthy of such honors; provided that, in conferring said degrees and diplomas, said institution shall be governed by such proper rules, regulations and forms as said institution may adopt; provided, further, that the curriculum of said institution shall be approved by the Louisiana State Board of Education.

Section 2. That all laws or parts of laws contrary to, or in conflict herewith be and are hereby repealed.

Approved by the Governor:

July 13, 1922, 12:25 p. m.

ACT No. 96.

House Bill No. 212.

By Mr. Davis.

AN ACT

Defining what shall constitute violations of law with respect to selling bonds for public improvements by the governing authority of any political subdivision in the State, and providing punishment therefor; fixing liability, and providing for civil recovery in such cases.

Section 1. Be it enacted by the Legislature of Louisiana, That whenever any police jury, school board, drainage board, or other governing authority of any political subdivision in the State shall incur debt and issue bonds for works of public improvement, any member of such governing authority who shall vote in favor of the sale or disposition of such bonds on terms and conditions different from those named in the law, or at a price less than the minimum fixed by the Constitution and the law, shall be deemed guilty of gross misconduct in office, and shall be impeached and removed from office in the manner provided by Section 6 Article 9 of the Constitution.

Prohibiting the sale of bonds at less than Constitutional limit.

Section 2. It shall be a violation of law within the meaning of this Act to sell or dispose of bonds authorized for works of public improvement except for cash, or at a price less than that fixed by the Constitution and the law, without any diminution whatever. It shall likewise be a violation of law for any bidder or prospective purchaser of bonds to propose, or for the governing authority to entertain any proposal for the purchase of bonds which is coupled with a stipulation that the bidder shall have the right to name or suggest the name of the contractor or builder to do the work for which the bonds are to be sold; or coupled with any other condition calculated to affect the free letting of such public work. It shall also be a violation of law to sell or dispose of bonds upon any understanding which tends to hamper or restrict the free letting of public

What constitutes a violation.

work by the governing authority, and any contract let contrary to this provision shall be contra bonos mores, and void and unenforceable; provided, nothing herein contained shall affect the rights of bona fide purchasers of such bonds, who hold same for value as innocent third holders. It shall further be a violation of law for persons to act in collusion to restrict free bidding for bonds when offered for sale.

Penalty.

Section 3. Any member of any governing authority, and any original purchaser or agent thereof, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and shall be fined in a sum not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or shall be imprisoned in the parish jail for not more than six (6) months, or both at the discretion of the Court.

Any person, firm or corporation violating the provisions of this act shall be further liable, in solido, in a civil action, for the difference between the amount received for the bonds and the minimum amount fixed by the Constitution and the law for which the bonds could legally be sold. Suit for the recovery of this difference shall be brought by the Attorney General or the District Attorney on his own initiative, or when directed to do so by the Governor, for the benefit of the treasury of the governing authority which sold the bonds.

Approved by the Governor:

July 13, 1922, 12:30 p. m.

ACT No. 100.

Senate Bill No. 20.

By Mr. Delos R. Johnson.

AN ACT

To provide a State Board of Education and Parish school boards, defining their duties and powers, and providing for the administration and supervision of the public schools of Louisiana.

State Board of Education; terms, etc. Section 1. Be it enacted by the Legislature of Louisiana, That there shall be a State Board of Education composed of eleven members, three to be appointed by the Governor by and with the advice and consent of the Senate for terms of four years, one each from districts coextensive with the present Public Service Commission districts, and eight to be elected for terms of eight years, except as herein provided, from districts corresponding to the present Congressional districts. The first Board provided for by this Act shall be elected at the Congressional election of

1922 and the terms of the eight members elected at that time shall be determined as follows: At the first meeting of the Board after said election there shall be prepared four slips of paper, upon one of which shall be written the first and eighth districts, upon another the second and fifth districts, upon another the third and fourth districts, and upon the last the sixth and seventh districts, which shall be placed in a proper receptacle from which a blindfolded person shall draw one slip at a time. The first slip drawn shall award to the members from the districts appearing thereon the term of two years; the second slip drawn, to the members from the districts appearing thereon the term of four years; the next slip drawn, to the members from the districts appearing thereon the term of six years; and the members from the districts appearing on the remaining slip shall be awarded the term of eight years. After this first election of members of the State Board of Education the term of all elected members shall be eight years. All vacancies in the membership of the State Board of Education, whether by death, resignation, or otherwise, shall be filled by appointment by the Governor by and with the advice and consent of the Senate. The State Board of Education shall be a body politic, and corporate by the name and style of the Louisiana State Board of Education, with authority to sue and defend suits in all matters relating to the public schools not within the jurisdiction of the parish school boards, as hereinafter provided. The members of the Board shall receive as compensation for their service in attending meetings of the Board their actual transportation expenses and per diem of ten dollars for the number of days that the Board is in session, payable on their warrants, approved by the President and Secretary of the Board, out of the Current School Fund. The first State Board of Education under this Act shall begin office the second Monday of January, 1923.

Section 2. The State Board of Education shall elect from its membership a President and a Vice-President, whose terms of office shall be fixed by the Board, not to exceed eight years. The Board shall elect a State Superintendent of Public Education for a term of four years and fix his salary, the same not to be less than \$5,000.00 a year nor more than \$7,500.00 a year. The State Superintendent of Public Education shall be Secretary of the Board. Any vacancy in the office of State Superintendent of Public Education by death, resignation or otherwise shall be filled by the Board. The State Board of Education shall meet on or before the first Monday in December of each year, and at other times when called by the President. The acts of the Board shall be attested by the signatures of the President and Secretary of the Board. All papers, documents and records appertaining to the Board shall be filed by the Secretary of the Board in the office of the State Board of Education. The Board may

Election of State
Superintendent of
Public Education.

State Department
of Education.

direct that the proceedings of the State Board of Education be published in the official journal of the State or in an official pamphlet.

Section 3. The following divisions of the State Department of Education are recognized and the State Board of Education is authorized and directed to provide the necessary employees in them, the salaries and expenses of whom shall be paid out of appropriations made by the Legislature, and such other sources as may be available.

Sub-divisions.

- A. Division of Educational Supervision.
- B. Division of Teacher Training and Certification.
- C. Division of Vocational Education.

The State Superintendent of Public Education shall select the employees in the various divisions herein established. It shall be the duty of the Legislature to provide at the seat of government the necessary offices having all needed equipment for the State Superintendent of Public Education, and to make provisions for postage, stationery, and other necessary expenses of the office, the cost of which must be within the limits of an appropriation for that purpose.

Text-books.

Section 4. The State Board of Education shall prepare courses of study, rules, by-laws and regulations for the government of the Public Schools of the State, which shall be enforced by the parish superintendents and the several parish school boards. The State Board of Education shall strictly enforce a uniformity of text-books in all of the public schools of the State (except as hereinafter provided), and shall adopt one or more lists thereof, which shall remain unchanged for six years after such adoption; provided that any textbook used in the schools of the State may be changed at any time by a two-third vote of the full membership of the State Board of Education. All contracts for the adoption of text-books for use in the public schools shall cover a period of six years, subject to change or annulment in accordance with law. The adoption of elementary text-books and high school text-books shall be made at periods three years apart. The mode of procedure for the announcement of bids, awarding of contracts, location of depositories for the distribution of school text-books and all other matters connected with the adoption and distribution of text-books shall be left to the State Board of Education.

Contracts for
text-books.

Reports of parish
superintendents.

Section 5. The State Board of Education at its option may require reports to be made by the parish superintendents of schools and teachers.

Board to ad-
minister affairs of
certain State Insti-
tutions.

Section 6. The State Board of Education shall administer the affairs of the following State educational institutions:

- Louisiana State Normal College, Natchitoches.
- Louisiana Polytechnic Institute, Ruston.

Southwestern Louisiana Institute of Liberal and Technical Learning, Lafayette.

State School for the Deaf, Baton Rouge.

State School for the Blind, Baton Rouge.

Southern University, Scotlandville.

State School for Blind Negroes, Scotlandville.

State School for Deaf Negroes, (not yet located).

In its management and control of these institutions, it shall have authority to appoint an executive committee of two in addition to the State Superintendent of Public Education who shall be ex-officio a member and chairman, for each institution, the members of which shall not be required to be members of the State Board of Education. The executive committees provided for in this section shall perform such duties as may be required of them by the State Board of Education. The compensation of the two appointive members of the executive committees herein provided for shall be the same as that of members of the State Board of Education.

It shall be the duty of the State Board of Education to submit to the Legislature biennially a budget of salaries and expenses required for the support of the State Department of Education, and of appropriations needed by the various state educational institutions whose affairs are administered by the State Board of Education. This budget shall cover any minimum appropriations required by the Constitution and such additional Legislative appropriations as, in the judgment of the State Board of Education, may be necessary.

Section 7. It shall be the duty of the State Board of Education in its biennial report to the Legislature to submit statistics relative to aged and incapacitated public school teachers.

Aged and incapacitated teachers.

Section 8. The State Board of Education shall have entire charge of the examination and certification of public school teachers.

Examination of teachers.

Section 9. The following grades of certificates shall be issued and all certificates shall be signed by the State Superintendent of Public Education and any other official designated by the State Board of Education: High School Certificate, valid for five years; First Grade Certificate, valid for five years; Second Grade Certificate, valid for three years; Third Grade Certificate, valid for one year. The State Board of Education shall determine the subjects which shall be used in the examination for any of the grades of certificates. The holders of certificates issued as herein provided shall be eligible to teach in any and all parishes of the State.

Grade certificates.

Section 10. The State Board of Education shall have authority to exempt from examination graduates of standard colleges and normal schools located in this and other States.

Exemptions.

Questions for
examinations.

Section 11. All questions to be used in the examination of teachers shall be prepared by the State Superintendent of Public Education and shall be sent to the parish superintendents of the various parishes, who shall conduct the examinations. The parish superintendents of the various parishes shall, at the close of the examinations, promptly forward all necessary papers of applicants for certificates to the State Superintendent of Public Education, who shall grade, or have graded, all papers and issue certificates to such applicants as shall make the grades and averages fixed by the State Board of Education.

Fee for approval
of diplomas.

Section 12. A registration fee of two dollars (\$2.00) shall be paid to the State Department of Education for the approval of a diploma issued by a standard college or normal school located in another state, and the same fee shall be paid to the State Department of Education for the approval of first grade or life certificates earned in another state. Louisiana certificates valid for five years shall be issued to the holders of diplomas and certificates of the class named in this section.

Parish fee.

Section 13. Applicants for certificates earned in examinations shall pay a fee of one dollar (\$1.00), said fee to be retained in the parishes where paid and credited to the Parish current school fund.

Renewal of cer-
tificates.

Section 14. Certificates issued upon the basis of college or normal school diplomas, or first grade certificates earned in examinations, may be renewed by the State Department of Education for five year periods, in accordance with such rules and regulations as the State Board of Education may adopt; provided, that nothing in this section shall be construed as conflicting with the provisions of Act 158 of 1920 relative to the issuance of teachers' certificates. No fee shall be charged for such renewals.

Credits may be
allowed.

Section 15. The State Board of Education shall have authority to allow such credits as it may think proper for work done in standard educational institutions to raise grades made in examinations for teachers' certificates or to extend teachers' certificates.

Teacher-training
course.

Section 16. The State Board of Education shall have authority to prescribe teacher-training courses for public or private schools doing work of at least two years in advance of that done by the public high schools, and to issue first grade certificates, without examination, to the graduates of such courses.

Parish board cor-
porate body.

Section 17. There shall be a parish school board for each of the parishes, and these several parish school boards are constituted bodies corporate with the power to sue and be sued under the name and style (Name of Parish) Parish School Board. Citation shall be served on the President of the Board and in his absence on the Vice-President.

The membership of the parish school board shall be as follows:

There shall be elected by the qualified voters of each police jury ward of the several parishes of the State a member of the school board of such parish for each police juror in said ward, whose term of office shall be for a period of six (6) years.

Membership.

When the parish school board, under existing law, has no jurisdiction over or control of the public schools of a city in such parish, and when the limits of a ward of such parish extend beyond the limits of such city, only that part of the ward outside the limits of such city shall be represented on the parish school board, and shall have only one member of said board, who shall be an elector of the said ward living outside the limits of such city, and shall be elected by the voters of said ward living and voting outside the limits of said city.

The election of parish school board members shall be at the congressional elections. School board members now in office shall serve out the terms for which they were elected, their successors and all other school board members elected in the future shall be elected for terms of six years. The parish school boards of the several parishes, as occasion may arise on account of the increase in the membership by the creation of additional wards or the increase of membership for any single ward, shall by proper resolution maintain the three divisions of the membership of said boards now existing as nearly equal as possible by allotting such new members to one of the three divisions, and when so allotted the term of office of such new member or members shall expire at the same time that the terms of the other members of the said division expire. The compensation of each member of the school board is hereby fixed at five dollars (\$5.00) for each day that he may attend the meetings of the board, and five cents a mile that he may travel to and from the meetings of the board. The parish school boards shall have authority to appoint from their membership an executive committee of three members, which committee shall be charged with such duties as may be delegated to it by the parish school board. The members of the executive committee shall receive the same compensation for their services when attending committee meetings as they receive when attending meetings of the board, provided that they shall not receive compensation for attending more than one committee meeting in any calendar month, or for both a board and committee meeting held on the same day. To be a member of a parish school board one shall, in addition to the qualifications otherwise prescribed by law, be able to read and write and, at the time of election, assessed for not less than five hundred dollars (\$500.00) of individual or community property in the parish. All vacancies in the membership of parish school boards caused by death, resignation, or otherwise, shall be filled by appointment by the Governor.

Elections: term of office.

Compensation.

Executive Committee.

Qualifications.

Vacancies.

Representation of
municipality on
board.

Section 18. Whenever a parish contains a municipality, the population of which is more than one-half of that of the entire parish, the municipality shall have representation on the parish school board proportionate to its population, provided that the total membership of any parish school board shall not exceed fifteen members.

Officers to be
elected.

Section 19. The parish school boards of the several parishes shall elect from among their number a president and a vice-president and fix their terms of office not to exceed six years.

Parish Superin-
tendent.

Each board shall elect or appoint a parish superintendent of schools, having such qualifications as may be fixed by the State Board of Education, for a period of four years. The parish superintendent of schools shall not be required to be a qualified elector or a resident of the parish which he is to serve as superintendent. He shall be required to devote his entire time to the office of parish superintendent of schools. The first parish superintendent of schools selected under this Act shall take office July 1, 1925.

Superintendent
may be removed
for cause.

If at any time a parish superintendent shall be found incompetent, inefficient or unworthy, he shall be removable for such cause by a majority vote of the membership of the parish school board at any regular meeting or at any special meeting after due notice.

Board to deter-
mine number of
schools; select
teachers; fix sal-
aries.

Section 20. The parish school board shall determine the number of schools to be opened, the location of the schoolhouses, the number of teachers to be employed, select such teachers from nominations made by the parish superintendent, provided that a majority of the full membership of the board may elect teachers without the endorsement of the superintendent. The board shall have authority to employ teachers by the month or by the year, and to fix the salaries of the teachers. The board shall see that the provisions of the state school laws are complied with.

Board to make
rules and regula-
tions.

Each school board is authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of the Louisiana State Board of Education, as it may deem proper.

Meetings.

The regular meetings of each board shall be held in the first week of January, April, July and October, on such day of the week as each board shall select, and it may hold such special or adjourned meetings as the board may determine or occasion may require.

Funds to be se-
cured.

Each school board shall exercise proper vigilance in securing for the schools of the parish all funds destined for the support of the schools, including the state funds apportioned thereto, the poll tax collectible, and all other funds.

Secretary to keep
record.

The secretary shall keep a record of all transactions and proceedings of the board.

The school board may receive land by purchase or donation for the purpose of erecting school houses, provide for and secure the erection of same, construct such outbuildings and enclosures as shall be conducive to the protection of property, and make repairs and provide the necessary furniture, equipment, and apparatus. All contracts for new buildings, and improvements costing more than one thousand (\$1,000.00) dollars, shall be let to the lowest bidder, the board reserving the right to reject any and all bids.

Buildings.

They shall have power to recover for any damage that may be done to the property in their charge; they may change the location of a schoolhouse, sell or dispose of the old site, and use the proceeds thereof toward procuring a new one. Provided that the Orleans Parish school board shall have authority to prescribe the rules and the regulations to govern in the employment and discharge of teachers, the building and equipping and repairing of school houses, and the dates of the meetings of the school board.

Section 21. The parish school board shall have authority to establish such public schools as it may deem necessary to provide adequate school facilities for the children of the parish, and also trade schools, evening schools, schools for adults, schools and classes for exceptional children, and such other schools or classes as may be necessary to meet all special or exceptional requirements. Central or high schools may be established when necessary, but no high school shall be established without the sanction of the State Board of Education. Practical, industrial, and agricultural courses shall be fostered by the public school officials, and the State Board of Education shall have authority to extend special financial aid to schools meeting required standards in such courses, with such funds as may be available for such purposes. The General Fund of the Parish School Board shall consist of the State Current School Fund, Poll Taxes, Fines, Bond Forfeitures, Police-Jury appropriations, proceeds from the sale of timber or income from oil or gas, in short, all school funds except those voted or appropriated for special purposes. No special advantage shall be given out of the General School Funds to the High Schools. Buildings, additions to buildings, repairs, supplies, sites, and equipment may be provided out of the general funds. Communities desiring better facilities and longer sessions than can be provided by a distribution of the general funds giving equal sessions to all schools shall secure same by voting special taxes or obtaining funds from other sources than the current or general funds.

Schools established and funds collected.

Section 22. The school boards of the several parishes of this State are prohibited from entering into any contract, agreement, understanding or combination, tacitly or expressly, directly or indirectly, with any church, monastic or other order or association of any religious sect or denomination whatsoever, with

Combinations prohibited.

the representatives thereof or with any person or corporation conducting a school which solicits patronage from those of any particular religious faith, affiliation or persuasion, for the purpose of running any public school or schools of this State together, in connection, or in combination with any private or parochial school, or other institution of learning which may be under the control or management of any church, monastic or other religious order or association of any religious sect or denomination whatsoever, or under the control of any person or corporation conducting a school which solicits patronage especially from those of any particular religious faith, affiliation or persuasion.

Duty of President.

Section 23. The president of the school board, or in his absence the vice-president, shall preside at all meetings of the board, call meetings when necessary, advise with and assist the parish superintendent of schools in promoting the success of the schools, and, generally, to do and perform all other acts and duties pertaining to his office as president of the board. All deeds and contracts for the schools shall be signed by him; the contracts with teachers shall be signed by the parish superintendent and the contracting teachers.

Local school directors.

Section 24. The parish school board may appoint local school directors for each school and prescribe their duties.

Expenses of special sessions for teachers.

Section 25. A parish school board shall have authority to pay all or a part of the expenses of special sessions of schools organized and maintained for the benefit of teachers, and it may pay all or a part of the salaries and expenses of persons employed in the extension service to promote agricultural and other industrial instruction for the benefit of children.

Purchase of text books.

Each parish school board shall have authority to purchase direct from the publishers textbooks selected by the State Board of Education in quantities sufficient to supply the needs of all the schools of the Parish and to furnish such textbooks to the patrons or guardians of the school children at cost, provided no parish school board buying text books as herein provided shall change from one list of text books to another, except as authorized by the State Board of Education.

Teachers Institutes.

Section 26. The parish school boards shall provide for and conduct such teachers' institutes as they may deem necessary, and the State Board of Education shall adopt annually suitable professional books for use in the institute work, shall prepare rules and regulations for the government of the institutes, and do everything possible for the benefit and improvement of the teachers engaged in public school work.

Revenues.

Section 27. It shall be the duty of the various parish school boards throughout the State, during the month of July of each year, to adopt a budget of revenues to accrue to said school board during the ensuing year; said budget not to include probable revenues arising from doubtful or contingent sources.

Within thirty days after the adoption of the budget of revenues the school boards throughout the State shall adopt a budget of expenditures, not to exceed the budget of revenues; said budget of expenditures shall detail, as nearly as possible, the said expenditures and no item of indebtedness not included in said detailed estimate shall be paid by the treasurer or ex-officio treasurer of the school board, under pain, he and his bondsmen, of being personally liable for any item so paid and not included in said budget of expenditures; they shall budget for the indebtedness of previous years, in accordance with existing laws; if during the course of the year revenues from any unexpected or contingent source should have been realized, an amended budget of revenues may be adopted and an amended budget appropriating said revenues in the same proportion as above may also be adopted.

Expenditures
of 1923, 1924, 1925
for school purposes

Section 28. The parish school boards of all parishes of the State shall make an enumeration of all educable children in their respective parishes between January 1, 1923, and July 1, 1923, and every four years thereafter. It is made the duty of the parish school boards of the various parishes to employ thoroughly competent persons to do the work of taking the school census, and to fix their compensation. School board members shall not be employed for this purpose. Whoever shall make a fraudulent enumeration of children in any parish shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, or imprisoned in the parish jail not to exceed a period of one year, or suffer both fine and imprisonment at the discretion of the court.

Enumeration of
educable children.

It shall be the duty of the State Board of Education to reject the lists of educables of any parish reported by the parish school board of the correctness or accuracy of which it may not be satisfied and to call upon such parish board to make a new and correct enumeration.

Section 29. The parish school boards shall have authority to provide transportation for children living more than two miles from a school of suitable grade.

Transportation
for children.

Section 30. Parish school boards shall have authority to rent sixteenth section lands, or lease the mineral rights of same by resolution of the board and without the authority of a vote of the electors of the township in which such lands are located. All funds realized from the rent of sixteenth sections, or lease of mineral rights of sixteenth sections shall be credited to the current school funds of the parish.

Sixteenth Section
lands, etc.

All elections to authorize the sale of sixteenth section lands, or of timber on sixteenth section lands, shall be conducted by the parish school boards, and the funds realized from such sale, after deducting for necessary expenses connected with such elections, shall be promptly forwarded to the State Auditor for credit to the proper township.

Assessors and tax collectors to receive fee for collecting.

Section 31. The assessors and tax collectors shall receive the fees allowed by law for assessing and collecting taxes on only the poll and other taxes actually collected. The school boards shall pay no commissions to assessors and tax collectors on poll or other taxes not actually collected and paid over to the school treasurer, provided that in the Parish of Orleans no fees shall be paid or become exigible under the provisions of this Section.

Section 32. The parish school boards that have been operating on a fiscal year basis shall continue operating on that basis and the parish school boards that have been operating on a calendar year basis shall be permitted to continue to operate on a calendar year basis but they shall be required to so adjust their finances that they shall be on the fiscal year basis beginning July 1st, 1928. All parish school boards that are in debt for their expenditures for current expenses shall so adjust their finances that they will not be in debt for current expenses by July 1st, 1928.

Parish board may borrow money.

The parish school board shall have authority to borrow money to meet its budget of expenditures as provided in Section 27 of this Act to secure said loans; the parish school board shall have authority to pledge its revenues for the calendar year, or fiscal year upon whichever basis it may be operating.

Parish school boards are prohibited from making a budget of expenditures for current expenses in excess of budget of probable revenues. All notes evidencing money borrowed shall be signed by the president and treasurer of the parish school board and the said officials are prohibited from executing notes in excess of the authority granted by resolution of the Parish school board; the parish school board is hereby prohibited from authorizing loans in excess of budget of probable revenues except in case of emergency and then on a two-thirds vote of the entire membership of the parish school board. In the event the president and treasurer of the parish school board borrow in excess of above mentioned authority, they shall be guilty of a misdemeanor and upon conviction may be fined not more than One Thousand (\$1,000.00) Dollars each.

Duty of State Superintendent of Education to keep records.

Section 33. The State Superintendent of Public Education shall file, each year separately, all papers, reports, and public documents transmitted to him by the boards and officers whose duty it is to report to him, and hold the same in readiness to be examined by the Governor whenever he sees proper, by any committee appointed by the Legislature, or by any other interested citizens; and he shall cause to be kept a record of all matters appertaining to his office.

Same.

Section 34. It shall be the duty of the State Superintendent of Public Education to keep in close touch with all of the state educational institutions under the control of the State Board of Education, and of all the public schools of the various parishes of the State with the view of seeing that the physical

plants of the schools are adequate and kept in the proper state of repair and sanitation; that the courses of study prescribed by the State Board of Education are faithfully followed; that teachers meet the standards prescribed by the State Board of Education; that classes are not overcrowded; that children are properly classified as to grades; that wise methods are used in the presentation of the subject matter; and in all other ways possible to assist the local authorities, superintendents, and teachers to secure the best possible results from their efforts. In the prosecution of this work of inspection and supervision, the various employees in the State Department of Education shall be under the immediate direction and control of the State Superintendent of Public Education, and they shall make such verbal and written reports to him as he may require. In the professional administration of the schools, as indicated in this section, it shall be the duty of the heads of the various state educational institutions and of the public school officials in the various parishes to be guided, as far as practicable, by the suggestions and directions of the State Superintendent of Public Education. The traveling and other necessary expenses of the State Superintendent of Public Education and other employees of the State Department of Education while engaged upon their official duties shall be paid out of the State Current School Fund not to exceed amounts appropriated by the Legislature for this purpose.

Section 35. The State Superintendent of Public Education shall draw warrants on the State Auditor for the monthly salaries of himself and all of the other employees in the State Department of Education covered by appropriations by the Legislature, and he shall draw warrants on the State Auditor for the biennial appropriations made by the Legislature covering such items as traveling expenses, office expenses, etc., semi-annually in advance, and these funds, when received, by the State Superintendent of Public Education shall be deposited in the bank paying the highest interest on daily balances. Any interest earned shall be added to the appropriations.

Salaries and expenses; how paid.

The State Board of Education shall have authority to receive and use for public school purposes any Federal or other funds from out-of-state sources which in the judgment of the Board should be accepted and can be wisely used, as well as any donations from residents of the State which may become available for public school purposes. All such funds shall be deposited by the State Superintendent of Public Education in the bank paying the highest rate of interest on daily balances. The State Superintendent of Public Education shall make such reports to the Supervisor of Public Accounts as are required by law.

May use Federal or other funds.

Section 36. It shall be the duty of the State Superintendent of Public Education to draw warrants during the months of November, February and June of each fiscal year on the

State Auditor covering the amount of the State Current School Fund in the treasury on the basis of the number of children in the various parishes between the ages of six and eighteen, both inclusive, as per the last census of educables, the warrants to be made payable to the school treasurers of the various parishes.

Annual report.

Section 37. The State Superintendent of Public Education shall annually make a report to the Governor and the members of the Legislature of the condition and progress made and possible improvements to be made in the public schools; the amount and condition of the school funds; how its revenues during the previous year have been distributed; the amount collected and disbursed for public school purposes from local taxation, or from any other source, and how the same was expended, shall be set forth in the report. This report shall contain an abstract of the parish superintendents' reports. He shall communicate all facts, statistics and information that are of interest to the public schools. He shall cause to be printed a sufficient number of copies for distribution among the members of the Legislature, the State officials, parish school boards, libraries, and superintendents of schools of other states and territories, and to meet all exchanges of educational reports.

Annual report to board.

The parish superintendents of schools shall make such annual reports to the State Board of Education by August 15 of each year as the State Superintendent of Public Education may require. Whenever a parish superintendent of schools shall fail to place his annual report in the hands of the State superintendent of Public Education by August 15, and without an excuse acceptable to the State Superintendent of Public Education, the State Board of Education shall have authority to delegate an auditor to prepare the report. In such case it shall be the duty of the parish superintendent of schools to make readily available to said auditor all books, reports and other information, needed in the preparation of the report. The auditor's salary and all other necessary expenses shall be paid out of the salary of the parish superintendent failing to make the required report, and it shall be the duty of the State Supervisor of Public Accounts to see that the auditor's salary and other necessary expenses are paid as provided in this section.

Report to Governor and Legislature.

Section 38. The State Superintendent of Public Education's annual report to the Governor and the members of the Legislature shall outline receipts and expenditures of the various state educational institutions under the direction and control of the State Board of Education, together with necessary information concerning faculty, enrollment, graduates, courses of study, and any other information required to show the condition, progress and needs of these institutions. The presidents of the state educational institutions shall be required to furnish by the fifteenth day of August of each year such reports as the State Superintendent of Public Education may require.

Section 39. Certified copies of records and papers in the office of the State Superintendent of Public Education shall in all cases be received and admitted in lieu of the originals. The State Superintendent of Public Education is authorized to make copies, when requested by any person so to do, of any papers deposited or filed in his office, and of any act or decision made by him or the State Board of Education and certify the same.

Copy of records.

Section 40. It is made the duty of the State Superintendent of Public Education to report to the State Board of Education all irregularities on the part of any parish school board, or parish superintendent, whenever it may come to his knowledge. He shall hold annually such conventions of school officials, superintendents and teachers as he may deem necessary for the promotion and advancement of the public school interests.

Report neglect of duty.

Section 41. The Attorney General, when called upon by the State Superintendent of Public Education, the State Board of Education, or any parish superintendent, when authorized by the parish school board and its legal adviser, shall give his opinion in regard to any controversy or dispute affecting any such officers or boards, relating to their respective rights or duties, or affecting the schools under their charge, or any of them. The State Superintendent of Public Education shall whenever required give advice, explanations, instructions, or information to the school board members and superintendents and to citizens relative to the public school law, the duties of the public school officers, the rights and duties of parents, guardians, pupils, and all officers, the management of the schools, and all other questions calculated to promote the cause of education. He shall perform all other duties imposed upon him by law.

Attorney General to give opinion.

Section 42. All teachers' certificates are revocable by the State Board of Education upon satisfactory evidence that the holders are incompetent, unworthy or immoral.

Certificates revocable.

Section 43. The parish superintendent of schools during the year shall visit as often as possible each school in the parish and he shall exert his best endeavors in promoting the cause of public education. To this end he shall faithfully carry out the requirements of the state school laws and the rules and regulations made for the schools by the State Board of Education. The parish school boards shall have the authority to appoint such assistant superintendents, supervisors, stenographers, and bookkeepers as may be needed, and such attendance officers, medical directors, and such other appointees as may be necessary for the proper and efficient conduct of the schools, provided, that no student shall be subjected to any physical examination or inspection if the father, mother, or guardian of such student objects thereto, and to fix their salaries and prescribe their duties.

Parish superintendent to visit schools.

Records must be kept.

Section 44. Each parish superintendent shall keep a record of all business transacted by him as parish superintendent, the names, numbers and description of school districts, the tabulation of reports of school principals made monthly to him by the principals of the schools of his parish, and all other papers, books and documents of value connected with his office; and they shall be at all times subject to inspection and examination by the State Superintendent of Public Education, or by any officer, or citizen. In addition to his annual report to the State Superintendent of Public Education, hereinbefore provided for, which shall be made in accordance with instructions of the State Superintendent of Public Education, he shall furnish to the State Department of Education such narrative and such information as the State Superintendent of Public Education or the State Board of Education may from time to time require of him.

May administer oath.

Section 45. The parish superintendent of schools may administer the oath required of any of the officials of the public schools or of any person required to make oath in any manner thereto except to qualify school board members.

Office to be maintained.

Section 46. The parish superintendent of schools shall maintain his office at a point in the parish designated by the parish school board, and shall keep his office open during the usual office hours to receive the reports of teachers and others and to transact the business required of him, except during the time he is visiting schools or attending to his duties elsewhere.

Quarterly report.

Section 47. The parish superintendent of schools shall make quarterly reports to the parish school board upon the condition of the schools under his supervision, and all such reports, as well as all minutes of the proceedings of board meetings, shall be regularly published in the official journal of the school board. He shall keep full minutes of all proceedings of the board in a book provided for that purpose, and shall do and perform all other acts and duties pertaining to the office of the secretary of the board. The foregoing provisions of this section shall not apply to the Parish of Orleans and further provided in said parish the parish superintendent of schools shall not serve as secretary or treasurer of the parish board. Said board shall elect a secretary who shall not be a member of the board and said secretary shall do and perform all the acts and duties pertaining to the office of secretary of the board.

Dismissal of teachers.

Section 48. If at any time a teacher becomes incompetent, inefficient or unworthy the parish superintendent of schools shall immediately report such fact to the school board of his parish, and the said board shall take such action as the nature of the case warrants; provided, that in no case shall a teacher be discharged without the opportunity of a hearing. Any teacher dismissed under the above provisions shall receive payment for services for the current month.

Section 49. No person shall be appointed to teach without a written contract for the scholastic year in which the school is to be taught, and who shall not hold a certificate provided for by this Act of a grade sufficiently high to meet the requirements of the school, and it is made the duty of the parish superintendent of schools to ascertain definitely before contracting with a teacher that such teacher holds a certificate issued by the Louisiana State Board of Education.

Contract with teachers.

Section 50. It shall be the duty of parish superintendents of schools and teachers of the public schools of the state to make and keep such school records as shall be prescribed by the State Superintendent of Public Education, prior to receiving their monthly salaries at the end of each month. Each principal of a school shall make to the parish superintendent of schools such reports as may be required. If any principal wilfully neglects or fails to do this, the parish superintendent of schools may withhold the salary due until the report is satisfactorily made.

Teachers to keep record and make report.

Section 51. The superintendent of the public schools in every parish (the Parish of Orleans excepted) shall be and is hereby constituted the treasurer of all school funds appropriated by the state in such parish, or raised, collected, or donated therein, for the support of the public schools; he shall receipt for all such funds to the Treasurer of the State and to the collector of parish taxes. The parish school treasurer shall give an indemnity bond in such sum as may be determined by the parish school board, made in favor of the Governor of the State, or his successors in office, and the parish school board shall pay the premium of said bond. The superintendent of public schools shall receive no compensation whatever for his services as school treasurer. The said treasurer shall deposit the school funds in such bank or banks as may be designated by the parish school board under the provisions of the law.

Treasurer.

Section 52. The said treasurer, immediately upon his appointment, shall demand of his predecessor in the office of treasurer the school funds in his hands as custodian of the school funds of the parish.

Treasurer to take funds, etc., of predecessor.

Section 53. The depository of the Parish School Board funds shall pay out the school funds intrusted to its charge only on warrant signed by the President and Treasurer of the Parish School Board. These warrants shall be numbered and shall specify on the face to whom and for what they are given. When the depository of the Parish School Board funds shall return the above mentioned warrants to the school treasurer they shall be filed in his office by him as vouchers.

Funds to be paid out only on warrant.

The accounts kept by the Treasurer of the school funds shall be subject to examination by any one who chooses to examine them.

Section 54. Every teacher shall have the power and authority to hold every pupil to a strict accountability for any dis-

Duty and powers of teachers.

orderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess; and the principal of the school shall have authority to suspend from school any pupil, for good cause, pending a hearing before the parish superintendent of schools, whose decision on the merits of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent of schools to remit any portion of the time of suspension.

Section 55. Each teacher of any school in this state supported wholly or in part from public money shall, before receiving any remuneration for services rendered in said capacity be fully qualified under the provisions of this Act to teach in the public schools of this state and shall have been employed by the public school authorities authorized to employ teachers.

Section 56. Teachers now holding certificates which are in force and which were heretofore issued, as the result of an examination held under the authority of law shall not be required to undergo an examination under the provisions of this Act, but such certificates are continued in force for their respective grades and for the time provided for in the law under which they were granted. After this Act goes into effect no person shall be appointed as teacher in the public schools of the State unless he or she holds a proper certificate.

Section 57. Teachers shall faithfully enforce the school course of study and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such requirements, the parish superintendent shall withhold the salary of such teacher until the teacher properly performs his or her duties in such respect.

Section 58. No school with an average attendance below ten pupils shall be opened or maintained in any locality, except upon recommendation of the parish school board, giving its reason for such recommendation, and upon approval by the Louisiana State Board of Education.

Section 59. Children for whom adequate schools of suitable grade have not been provided in their home parish may attend schools in an adjoining parish. In such cases permits shall be secured from the parish superintendent of the children's home parish, and after they have been approved by the parish superintendent of the parish in which the schools that the children desire to attend are located they shall be presented to the principals of the schools which the children wish to attend, who shall be required to admit the children and provide for their instruction the same as if they were residents of the parish. The superintendent of the children's home parish shall settle monthly for the instruction of such children as shall take advantage of the provisions of this section, the settlement to be on the basis of the monthly per capita cost of instruction in the children's home parish.

Children living beyond the limits of a city which supports and operates public schools separate and apart from the system of schools under the jurisdiction of the parish school board, and having the right under the Constitution to charge for the instruction of children not residents of the city, may attend the schools of such city, provided the parish school board does not operate adequate schools of suitable grade for the benefit of such children. Pupils desiring to take advantage of the provisions of this section shall secure permits from the parish superintendent of their home parish, which permits shall be approved by the city superintendent of the city schools which the children desire to attend, who shall designate on the permits the schools which the children are to attend. The Parish Superintendent shall settle monthly for the instruction of such of the parish children as shall attend the city schools under the provisions of this section, the settlement to be on the basis of the per capita cost of instruction in the schools which operate under the jurisdiction of the parish school board.

No incidental or tuition fee shall be charged against any child attending a public school.

Section 60. The branches of spelling, reading, writing, drawing, arithmetic, geography, grammar, United States history, and health, including the evil effects of alcohol and narcotics, shall be taught in every elementary school. In addition to these, such other branches shall be taught as the State Board of Education, or the provisions of the State Constitution, may require. The minimum daily session, exclusive of all recesses, of every public school shall be five hours, provided that this shall not be construed so as to prevent half-day sessions where the school accommodations are insufficient for all the pupils of the district in a whole-day session. Nor shall it interfere with any arrangement made for the conduct of kindergarten schools; provided, that in the parish of Orleans the school board may fix the hours of the daily session of the public schools. A school week shall consist of five days and a school month of twenty days.

Branches to be taught.

Section 61. The free right of passage over all public ferries, bridges, and roads which are leased out by the State, parish or municipality, or over which the State or parish or municipality exercises any control, or for which license is paid or toll exacted, be and is hereby granted to all children attending schools; and no tolls or fees shall be demanded or exacted from said children by keepers or attendants of said ferries, bridges, or roads, in their passage to and from school between the hours of seven (7) o'clock a. m. and nine-thirty (9:30) a. m., and two-thirty (2:30) o'clock p. m., and six (6) o'clock p. m., provided that on Sundays and holidays no children shall have the right to cross said such ferries, bridges, or roads on terms different from those of any ordinary passenger.

Tolls and fees, free to school children.

Standards for
teachers.

Section 62. Educational institutions of this state which are authorized by special acts of the Legislature, or may be so authorized in the future, to issue diplomas or confer degrees, shall be required to meet the following standards before the graduates of such institution shall be eligible to teach in the public schools without being required to pass the examination for teachers' certificates.

(a) In case of normal schools, at least a two-year course in advance of the Louisiana high schools, and such schools must maintain and operate practice schools having sufficient teaching force.

(b) In the case of colleges, four-year courses in advance of Louisiana high schools.

Graduates of all Louisiana schools as well as schools located in other states meeting the standard outlined in this section, shall be exempted from all examinations required of teachers, but all other persons shall be examined in all subjects required of applicants for teachers' certificates.

Orleans Parish
School Board.

Section 63. The school board of Orleans Parish shall consist of five members elected at large in the Congressional elections. The members now in office shall serve out their terms and their successors shall be elected for terms of six years; provided that the names of all candidates for election to the Orleans Parish School Board shall be placed in alphabetical order in a separate column of the ballot under the heading "ORLEANS PARISH SCHOOL BOARD" without reference to party affiliation or any other individual designation whatsoever, and that the said candidate shall be nominated by nomination papers only, signed for each candidate by not less than one hundred qualified voters of the Parish of Orleans. The said nomination papers shall be furnished, prepared, subscribed, certified, and promulgated in the manner and form provided for by the general election law i. e., Act 152 of 1898, as amended by subsequent acts, or by laws on the subject matter insofar as the provision of said acts are not in conflict herewith, provided that nomination papers shall be filed with the Secretary of State before five o'clock p. m., on the fourth Tuesday before the day of election, and provided further that the making, having in possession, or distribution of any sample ballot, marked ballot or any other device of any kind whatsoever whereby attention shall be directed to the name of any nominee for the Orleans Parish School Board as a factional candidate is hereby declared to be a misdemeanor punishable by fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the parish prison for a term of not less than three months nor more than **six months**, or both at the discretion of the Court. The members shall have the same qualifications as those in the other parishes

of the State. The members of the board shall serve without pay, and the board shall meet monthly and at such called meetings as the president may require. All vacancies in the membership of the board caused by death, resignation, or otherwise shall be filled by appointment by the Governor. All laws and rules and regulations of the State Board of Education governing other parish school boards throughout the State shall govern the Orleans Parish School Board, except as this Act may otherwise specifically provide.

Vacancies; how filled.

Section 64. The Orleans Parish School Board shall have authority to make appropriations annually out of any of its funds to the Teachers' Retirement Fund of the Public Schools of the Parish; provided such appropriation shall not be less than thirty thousand dollars, (\$30,000.00) each year. The Board may make additional appropriations to be used as a special fund for such aged and infirm teachers as are, under the laws now existing and in effect, receiving less than twenty-five dollars a month.

Authority to make appropriations.

Section 65. The Orleans Parish School Board shall have authority to maintain one or more normal schools for the professional training of teachers. The course of study pursued in such schools must be approved by the State Board of Education. All graduates of these normal schools shall be awarded diplomas.

Normal schools.

Section 66. The Orleans Parish School Board shall have authority to prepare courses of study for use in the public schools of Orleans Parish, which courses of study must be approved by the State Board of Education; and to adopt textbooks for use in the public schools of Orleans Parish subject to the approval of the State Board of Education.

To prepare courses of study and adopt text books.

All teachers holding proper certificates now employed in said public schools of Orleans parish shall be regarded as permanent employees of said board, and said teachers shall not be removed from office except on written charges of immorality, neglect of duty, incompetency, malfeasance or non-feasance of which he has been found guilty by the board after investigation and report, and further provided that all teachers herein-after appointed in said schools shall be appointed annually for the first three years after which time the appointment may be made permanent by the Board if the teacher is found satisfactory.

Appointment of teachers.

Section 67. The Commissioner of Public Finances of the City of New Orleans shall be ex-officio treasurer of the Orleans Parish School Board. He shall give an indemnity bond of not less than fifty thousand dollars (\$50,000.00) in favor of the Governor of the State of Louisiana or his successor in office.

Commissioner of Public Finances of New Orleans to be ex-officio treasurer of Board.

Section 68. The Orleans Parish school board or its successor in law, shall secure its revenues as provided in the Constitution of the State.

How revenues shall be secured.

Section 69. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved by the Governor:

July 13, 1922, 1 p. m.

ACT No. 103.

Senate Bill No. 120.

By Mr. Delos R. Johnson.

Substitute for Senate Bill No. 42.

AN ACT

To make it unlawful for any unauthorized person to go upon the grounds of State Schools where dormitories for girls and women are maintained or operated, and to provide a penalty.

Unlawful to enter grounds without permission.

Section 1. Be it enacted by the Legislature of Louisiana, That it shall be unlawful for any unauthorized person to enter upon the premises or grounds of any State School or institution where dormitories for girls and women are maintained or operated.

Penalty.

Section 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or be imprisoned in the parish jail for a period of not less than ten (10) days, nor more than six (6) months, or both at the discretion of the Court.

Approved by the Governor:

July 13, 1922, 1:00 p. m.

ACT No. 105.

House Bill No. 127.

By Mr. Womack.

A JOINT RESOLUTION

Proposing an amendment of Section 5 of Article XII of the Constitution relative to Public Education.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each House concurring herein; That at the next election for representatives in Congress to be held throughout the State on the 7th day of November 1922, there shall be and is hereby submitted to the electors, for their approval or rejection, in the manner provided by the constitution and general election laws of the state, a proposition

to amend Section 5 of Article XII of the Constitution of 1921, so as to read as follows:

“Section 5. There shall be elected by the people at each succeeding general election a State Superintendent of Public Education, who shall be ex-officio Secretary of the Board, and whose salary shall be fixed by the State Board of Education at not less than Five Thousand (\$5,000.00) Dollars, nor more than Seven Thousand Five Hundred (\$7,500.00) Dollars, payable monthly on his own warrant.”

And if a majority of the electors voting on said proposition vote in favor thereof the aforementioned Article and Section of the Constitution shall be so amended.

Section 2. There shall be printed upon the ballot; “For the amendment to section five (5) article twelve (12) of the Constitution of 1921;” and “against the amendment to article five (5) section twelve (12) of the Constitution of 1921;” and each elector shall indicate, as provided in the general election laws in this State, whether he vote for or against said amendment.

Approved by the Governor:

July 13, 1922, 1:15 p. m.

ACT No. 109.

House Bill No. 310.

By Mr. Moyse.

AN ACT

To authorize the City of Baton Rouge, through its proper officer, to sell, transfer and convey to the East Baton Rouge Parish School Board a certain square of ground designated on the plan of the said city as Square No. 232, for the sum of Twenty-Five Thousand and no-100 Dollars (\$25,000.00), to be paid in cash, due proof having been made that due notice was given in compliance with Section Six of Article Four of the Constitution of this State, and to provide for the dedication and disposition of the proceeds received from said sale.

Section 1. Be it enacted by the Legislature of Louisiana that the City of Baton Rouge, through its proper officer, is hereby authorized and empowered to sell, transfer and convey to the East Baton Rouge Parish School Board a certain square of ground situated in that part of the City of Baton Rouge known as Fuqua & Lamon Town, and designated on the plan of said city according to the official map thereof made by R. Swart, Surveyor, as Square No. 232, bounded by Louisiana Avenue, Spain, Poland and Dufrocq Streets, for the sum and price of Twenty-Five Thousand Dollars, to be paid in cash.

City of Baton Rouge authorized to sell certain property to East Baton Rouge Parish School Board.

Mayor authorized to convey title to property.

Section 2. That the Mayor of said City of Baton Rouge is hereby authorized to make said sale and to execute such deeds and do all other acts and things necessary to convey a clear title to said school board, without the delays and formalities prescribed by the charter of said City of Baton Rouge.

Proceeds of sale; how dedicated.

Section 3. The said property having been originally acquired with funds realized from bonds voted for the purpose of acquiring a site and erecting a city hospital thereon, the money realized from the sale of the said property shall be used for such purpose, unless the funds so realized shall be dedicated to a different purpose or purposes by a vote of the qualified property holders of the City of Baton Rouge, Louisiana, as hereinafter more fully set forth.

Special election.

Section 4. At any time prior to the use of the funds for the purpose stated in Section 3, a petition, signed by not less than twenty per cent of the resident property taxpayers of said city, qualified to vote under the constitution and laws of this state, may be presented to the governing body of the said city, requesting the said governing body to submit to the resident property taxpayers of the said city, qualified to vote under the Constitution and laws of the State of Louisiana, the question whether or not the said funds should be used for the purpose or purposes stated in the said petition. If the governing authority finds the purpose or purposes legal, and after it has satisfied itself of the qualifications of the petitioners, it shall adopt an ordinance, calling a special election to be held within ninety days after the receipt of the petition, at which the disposition of the funds, as suggested in the said petition, shall be submitted to the resident property taxpayers, qualified to vote, as aforesaid.

Notice of election.

Notice of such election shall be given by publication in a newspaper published in the City of Baton Rouge, Louisiana, not less than once a week for thirty days immediately preceding the election. Such notice shall state the purpose of the election, the date on which it shall be held, the location of the polling booths, and the hour, date and place at which the ballot boxes shall be opened, the returns canvassed and the results declared by the said governing body. The said election shall be held and the results declared under the provisions of Act 46 of 1921, except where the latter conflicts with the present act, in which case the present act shall govern.

Act 46 of 1921 to apply.

Form of ballot.

Section 5. The ballot used when voting shall contain the following:

Shall the funds realized from the sale of the hospital site be used for (state purpose or purposes)? Yes No

Taxable Valuation \$.....

Signature of Voter.

Notice to Voters: To vote in favor of the proposition submitted on this ballot, place a cross (x) mark in the square after the word "Yes;" to vote against it, place a similar mark after the word "No."

Section 6. If a majority of the qualified property taxpayers, in both number and amount, voting in the said election, shall vote in favor thereof, the proposition shall be declared carried, and the funds aforesaid shall be used for the purpose or purposes provided for in said proposition. Not more than one election shall be held in any period of six months to vote on the disposition of said funds.

Result of election.

Section 7. Any person in interest shall have sixty days from the promulgation of the results of said election in which to attack same. After that period no attack on the election, the regularity thereof, or the disposition of the funds in accordance with the results of said election, shall be considered by any court.

Time for contesting election.

Approved by the Governor:

July 13, 1922, 1:15 p. m.

ACT No. 111.

House Bill No. 349.

By Mr. Byrne.

AN ACT

To amend and re-enact Section 1 of Act 74 of 1920, entitled, "An Act to provide for the compulsory attendance of mentally or morally deficient children in special classes or schools organized and maintained by the parish school boards for their benefit, providing a penalty, giving parish school boards authority to furnish free textbooks under certain conditions, and repealing all laws in conflict."

Section 1. Be it enacted by the Legislature of Louisiana, That Section 1 of Act 74 of 1920 be amended and re-enacted so as to read as follows:

"Section 1. Be it enacted by the Legislature of Louisiana, That the parish school boards shall have authority to organize and maintain special classes or schools for the benefit of mentally, morally, or physically deficient children whose needs cannot be properly cared for in regular public schools."

Special classes for mentally, morally or physically deficient children.

Approved by the Governor:

July 13, 1922, 1 p. m.

ACT No. 117.

Senate Bill No. 103.

By Mr. Browne.

AN ACT

To provide for the compulsory school attendance of children between the ages of seven and fourteen years both inclusive, providing a penalty, giving parish school boards au-

thority to furnish free textbooks under certain conditions, to make such rules and regulations as may be necessary to carry out the provisions of this Act, and repealing all laws in conflict, Parish of Orleans excepted.

Compulsory attendance in schools. Section 1. Be it enacted by the Legislature of Louisiana, That every parent, guardian or other person residing within the State of Louisiana having control or charge of any child or children between the ages of seven and fourteen years both inclusive, shall send such child or children to a public or private day school under such penalty for non-compliance herewith as is hereinafter provided.

Minimum session. Section 2. That the minimum session of attendance required under this Act shall be one hundred forty days or for the full session of the public schools where the public school session is one hundred forty days or less.

Who are exempt. Section 3. That the following classes of children between the ages of seven and fourteen years shall be exempted from the provisions of this Act, the Parish School Board to be sole judge in all such cases; (a) Children mentally or physically incapacitated to perform school duties. (b) Children who have completed the elementary course of study. (c) Children living more than two and one-half miles from a school of suitable grade and for whom free transportation is not furnished by the school Board. (d) Children for whom adequate school facilities have not been provided. (e) Children whose services are needed to support widowed mothers.

Penalty for violation. Section 4. That all cases of violation of the foregoing provisions by any parent, guardian or other person having control of children shall be tried in the proper courts having jurisdiction, and the penalty for every violation of any of said provisions shall be a fine not exceeding \$10 dollars or not exceeding ten days in jail, or both, at the discretion of the court.

Delinquent children. Section 5. That all cases of non-attendance of children at schools, as above required, which is not due to the fault of the parent, guardian, or other person having control of such children, on account of failure to comply with the foregoing provisions, but due to truancy on the part of the child or children shall be considered as delinquency and such child or children, shall be reported to the juvenile Court as delinquent children there to be dealt with in such manner as the Judge of said court may determine, either by placing said delinquent in a home, public or private institution, where school may be provided for said children, or otherwise.

Truancy defined. Section 6. That truancy as used in this article is defined as absence from school without reasonable excuse.

Rules and regulations. Section 7. That the Parish School Boards may make such rules and regulations as may be necessary in order to carry out the provisions of this Act.

Section 8. That parish school boards shall have authority to furnish textbooks free to children whose parents or guardians are unable to provide same. Furnishing textbooks.

Section 9. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved by the Governor :

July 13, 1922, 4:30 p. m.

ACT No. 125.

House Bill No. 162.

By Mr. Hamley.

AN ACT

To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled (H. R. 4438, approved June 2, 1920) entitled, "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment"; and to provide for the administration of same.

Section 1. Be it enacted by the Legislature of Louisiana, That the State of Louisiana does hereby, through its Legislature, accept the provisions and benefits of the Act of Congress, entitled, "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and will observe and comply with all requirements of said Act. Accepting benefits of Act of Congress.

Section 2. The board designated or created as the State Board for Vocational Education to cooperate with the Federal Board for Vocational Education in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, is hereby designated as the State Board to cooperate with the said Federal Board in carrying out the provisions and the purposes of said Federal Act providing for the vocational rehabilitation of persons disabled in industry or otherwise. State Board of Vocational Education to cooperate with Federal Board.

Section 3. It shall be the duty of the State Board, designated to cooperate as aforesaid in the administration of the Federal Act, and the Labor Commissioner of Louisiana, to formulate a plan of cooperation in accordance with the provisions of this act and said act of Congress, such plan to become effective when approved by the Governor of the State. State Board to formulate plan of co-operation.

Section 4. The State Treasurer is hereby designated and appointed custodian of all monies received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and to make disbursement therefrom upon the requisition of the State Board for Vocational Education. State Treasurer custodian of funds.

Duty of State Board in accepting gifts and donations.

Section 5. The State Board designated to cooperate as aforesaid in the administration of the Federal Act, is hereby authorized and empowered to receive such gifts and donations, either from public or private sources as may be offered unconditionally, or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the State Board are proper and consistent with the provisions of this act. All the monies received as gifts or donations shall be deposited in the State Treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the Governor of the State by the State Board.

Fund to be known as special fund for the vocational rehabilitation of disabled persons.

Approved by the Governor:

July 13, 1922, 4:40 p. m.

ACT No. 128.

House Bill No. 305.

By Mr. Humphries, J. E.

AN ACT

To amend and reenact Section Three (3) of Act No. 24 of 1915, entitled "An Act to authorize the Board of School Directors of Caldwell Parish to provoke a judicial liquidation of the property, funds, and affairs of the Pine Grove Academy, incorporated by the State of Louisiana, by Act 76 of 1838, and re-incorporated by Act 195 of 1860, and especially empowering said Judicial Liquidator to sue for and to recover and to administer the property donated to said Pine Grove Academy by Hyams and Chew, and Daniel W. Coxe, which donations were confirmed by the Congress of the United States on July 29th, 1854;" due notice of the intention of applying for the passage hereof having been published as required by Section 6 of Article 4 of the Constitution of Louisiana and evidence thereof exhibited to the Legislature.

Section 1. Be it enacted by the Legislature of Louisiana that Section Three (3) of Act No. 24 of 1915, approved on June 11, 1915, be amended and reenacted so as to read as follows:

Sale of property.

"Section 3. That the said Judicial Liquidator shall be authorized to sell at private sale all of the property belonging to or recovered for the said Pine Grove Academy as a whole, or in tracts of not less than 160 acres, after the price and terms of which sale or sales have been approved by the District Court in and for the Parish of Caldwell, and the proceeds therefrom, after paying all expenses incurred by the Judicial Liquidator in recovering said lands, in administering on and disposing of

same, shall be turned over to the Caldwell Parish School Board to be used for the benefit of the public schools."

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved by the Governor:

July 13, 1922, 4:30 p. m.

ACT No. 129.

House Bill No. 306.

By Mr. Higgins.

AN ACT

Concerning lost, cancelled or destroyed bonds of any parish, municipality, sub-division of the State, public body, board or agency; authorizing the issuance of new bonds to represent such lost, cancelled or destroyed bonds and providing for the registration thereof by the Secretary of the State.

Section 1. Be it enacted by the Legislature of Louisiana: That whenever bonds duly issued by any parish, municipality, sub-division of the State or by any public body, board or agency shall be lost, destroyed or improperly cancelled, upon proof of such loss, cancellation or destruction of said bonds satisfactory to the governing body of such parish, municipality, sub-division of the State, or such public body, board or agency, and upon the giving to such parish, municipality, sub-division of the State, public body, board or agency, an indemnity bond in such amount as such parish, municipality, sub-division of the State, public body, board or agency may require, such parish, municipality, sub-division of the State, or such public body, board or agency may, by resolution of the governing body thereof, authorize the issuance of new bonds in lieu of such lost, cancelled or destroyed bonds, which shall be in all respects identical with such lost, cancelled or destroyed bonds, provided, however, that said new bonds shall bear on their face the following additional clause:

Authorizing the issuance of new bonds for those lost, cancelled or destroyed.

"This bond is issued to replace a lost cancelled or destroyed bond under the authority of Act No..... Laws of Louisiana, 1922."

Section 2. That said bonds and the coupons thereto attached shall be signed by the same officers who signed the original bonds, provided, however, that in the event the officers who executed the original bonds have retired from office; then the new bonds shall be signed by the officers then in office.

How bonds must be signed.

Section 3. That in the event the original bonds shall have been registered in the office of the Secretary of State of Louisiana, and bore a certificate evidencing such registration signed by the Secretary of State, said new bonds shall also be registered in the office of the Secretary of State of Louisiana, and the

Registration.

Secretary of State then in office is hereby authorized and directed to execute and seal a similar registration certificate upon said bonds.

Obligation.

Section 4. That the obligation of said parish, municipality, sub-division of the State, public body, board or agency, upon said new bonds, shall be identical with its obligation upon the original bonds, and the rights of the holder thereof shall be the same as those conferred by the original bonds which said new bonds are intended to replace.

Approved by the Governor:

July 13, 1922, 4:40 p. m.

ACT No. 130.

House Bill No. 307.

By Mr. Higgins.

AN ACT

Validating the exchange of bonds by any parish, municipality, sub-division of the State, or any public body, board or agency.

Validating the exchange of bonds.

Section 1. Be it enacted by the Legislature of Louisiana: That the delivery to the holder of any bonds of any parish, municipality, sub-division of the State, or of any public body, board or agency, of bonds of such parish, municipality, sub-division of the State, public body, board or agency, heretofore made in exchange for a like amount of bonds of the same authorized issue, is hereby validated, approved and confirmed, and all such bonds heretofore delivered in exchange for a like amount of bonds of the same authorized issue are hereby declared to be the valid and legally binding obligations of such parish, municipality, sub-division of the State, public body, board or agency making the exchange.

Approved by the Governor:

July 13, 1922, 4:30 p. m.

ACT No. 139.

Senate Bill No. 127.

By the Joint Committee on Judiciary, Sections "A" and "B". Substitute for Senate Bill No. 77 by Mr. Browne.

AN ACT

Relative to the Building Contracts: providing for the bond to be given in connection therewith, for the recordation of the contract, and bond and proceedings to be had thereunder and to provide for the creation, recordation and recognition

of liens and privileges and the protection of contractors, architects, consulting engineers, sub-contractors, laborers, material men, mechanics, journeymen, cartmen, truckmen, and all others who shall do or perform any work or labor upon or furnish material, machinery or fixtures for any building or other structure upon land in this State.

Section 1. Be it enacted by the Legislature of Louisiana, That every contract hereafter made or entered into for the repair, reconstruction, erection or construction of a building or of any other work by an undertaker, contractor, master mechanic, contracting engineer, shall be reduced to writing and signed by the parties under private signatures, or by authentic act, and shall be recorded in the office of the Recorder of Mortgages for the Parish wherein the building or said work is to be erected or performed before the day fixed on which said work is to commence and not later than thirty days after the date of said contract and such recordation shall preserve the liens and privileges, which liens and privileges are hereby created, on the building or other structure so repaired, reconstructed, erected or constructed, and on the land on which it is situated, in favor of every undertaker, architect, consulting engineer, contractor, master mechanic, or contracting engineer and sub-contractors, workmen, journeymen, cartmen, truckmen, laborers, mechanics or furnishers of material, machinery or fixtures as their interest may arise. The owners of such work shall require of said undertaker, contractor, master mechanic, or engineer, a bond with good and solvent surety as follows: For all contracts not exceeding Five Thousand Dollars the amount of the bond shall be the amount of the contract; for contracts over Five Thousand Dollars, and not exceeding One Hundred Thousand Dollars the bond shall not be less than fifty per cent of the contract; for contracts not exceeding One Million Dollars but over One Hundred Thousand Dollars the bond shall not be less than thirty-three and one-third per cent of the contract, and for contracts exceeding One Million Dollars, the bond shall not be less than twenty-five per cent of the contract.

Contracts to be written and recorded.

Contractor's bond provided for.

Section 2. The bond shall be attached to and recorded with the contract in the Mortgage Office as above set forth, and the conditions of the bond shall be the true and faithful performance of the contract and the payment of all sub-contractors, journeymen, cartmen, truckmen, workmen, laborers, mechanics and furnishers of material jointly as their interest may arise. Every person having a claim against the undertaker, contractor, master mechanic or contracting engineer shall after the date of the completion of the said work by, or the date of default of the undertaker, contractor, master mechanic or contracting engineer, mail or otherwise send a sworn itemized statement thereof to the owner or his architect or other representative, and record a

Bond to be attached to, and recorded with contract.

Claims by mechanics etc., to be filed with owner or architect.

Recorded within
thirty days.

sworn statement of the amount thereof, or his contract, if it has been reduced to writing, in the office of the Recorder of Mortgages for the Parish in which the said work has been done within thirty days after the registry of notice with the Recorder of Mortgages for the Parish where the work is done, by the owner of his acceptance of the work or of the contractor's default, or the recordation of the architect's certificate of completion, until which time the delay to file claims of privileges shall not run. If at the expiration of said thirty days there are no such recorded claims filed, the Recorder of Mortgages, shall upon written demand of any party interested, cancel and erase from the books of his office all inscriptions resulting from the recordation of said contract or bond as to all parties except the contractor. If at the expiration of thirty days there are such recorded claims filed, the owner or other interested person may file a petition in a Court of competent jurisdiction citing all claimants, including the undertaker, contractor, master mechanic, or engineer, against whom said claims are filed and the surety on the bond, and shall therein assert whatever claim he has against any or all of them and require said claimants to assert their respective claims; and all of said claims shall be tried in concursus. In the event that

Inscriptions erased
if no claim.

Claim by the
owner.

the owner has claims in concursus with the other claimants who have a lien and privilege on his property under the provisions of this Act, the cost of completing the building or other work by reason of the default of the original contract, when established to the satisfaction of the court, and when paid for by the owner, shall be reimbursed to him by preference out of any balance which might have been due under the contract if completed by the contractor; but the owner shall have no claim for the excess in the cost of completion if such cost exceeds the amount of said balance, or for any other of his claims against the surety on the bond of the contract until all other claimants have been paid in full. When the owner files a concursus proceeding he must deposit in Court whatever funds, if any, remain in his hands after paying the costs of completing the building if he was compelled to complete it by reason of the default of the contractor; but any claimant shall have the right to show in that suit or other appropriate proceeding that the amount claimed to have been paid by the owner for such completion was not really paid or that work was done not covered by the original contract and pending the trial of such issue the liens and privileges herein given to subcontractors and others shall remain in full force and effect.

Claim to operate
against lessee.

Section 3. Where any work as hereinabove set forth is done on buildings or other improvements made, where the person for whom the work is done or with whom the contract is made, or by whom the work is done is not the owner of the land upon which the work is located, then the liens and privileges created and established by this Act shall operate upon whatever right

said person having the work done, or doing the work, may have to the use of the land as lessee, usufructuary or otherwise; and said lien and privilege shall operate against the lease such person holds if there is one, or if said work is caused to be erected by a mineral lessee, then the privilege shall exist against the mineral lease and whatever rights the lessee may have therein, thereon or thereto; provided, however, that the privileges hereby created shall not interfere with the lessor's lien and privilege or his right to demand and recover occupancy of the leased premises in default of the payment of rent, or his right to sell the lease or right of occupancy under any judgment he may obtain against his lessee growing out of the lease; and in the case of any such sale, the privileges herein created shall be restricted to the proceeds of sale and shall not follow the property, the lease, or the right of occupancy.

Section 4. If no objections are made by any of the recorded claimants to the sufficiency or solvency of the surety on the bond within ten days after the filing of said concursus, the Court shall order its clerk to give to any party interested a certificate to that effect and on presentation of said certificate to the Recorder of Mortgages he shall cancel and erase all inscriptions created by the recordation of said contract, bond and claims.

If no claims, inscriptions shall be erased.

Section 5. If the bond is found to be insufficient in amount or not to have a proper and solvent surety, or if the owner fails to require a bond, or if he fail to record the contract and bond during the time herein provided, he shall be liable to sub-contractors, journeymen, cartmen, truckmen, workmen, laborers, and mechanics and furnishers of material to the same extent as the surety would have been. And the privilege hereinbefore provided for if recorded as provided in Section 2 hereof, shall remain in full force and effect until all claims against the building or other work erected on the land on which it is situated shall have been paid, unless otherwise ordered by the Court. In all cases where surety has been furnished, the surety shall be entitled to make only the same defenses that the contractor for whom he signed the bond is authorized to make except as to the owner who has made payments in anticipation.

Liability of owner for insufficient bond, etc.

Section 6. The failure of the owner to record the contract and bond or failure to obtain a sufficient bond, shall not release the surety as to the owner who shall have full recourse against such surety up to the amount of the bond for whatever he may have to pay to complete the building or other work to satisfy the claims of all those who have done work thereon or furnished material and who have not been paid by the contractor.

Failure to record bond and contract not to release surety as to owner.

Section 7. A building contract may provide for partial payments as the work progresses and any payment made by the owner strictly in accordance with the contract, shall absolve him from further liability therefor, provided he has exacted a bond and has recorded the contract and bond as required by this Act.

Contract may provide for partial payments.

Privileges superior to all other claims, exceptions.

Section 8. The privileges accorded by this Act shall be superior to all other claims against the building or other work, and the land on which it is situated, except taxes, local assessments for public improvements and the vendor's privilege on the land recorded prior to the building contract, and the holder of such vendor's privileges shall be entitled to a separate appraisalment of the ground and of the building or other work thereon and the holder of such privilege shall be paid from the sale of the property in proportion to the appraisalment on the land and the holders of the other privileges herein granted shall be paid from said sale in proportion to the appraisalment of the building.

Rank of privilege.

Section 9. The privilege herein granted, except where special rank is given thereto, shall be of equal rank if recorded as provided in Section 2 hereof, and shall be paid jointly out of the balance of funds in the hands of the owner or by the surety on the bond, if such balance is sufficient to pay them in full.

Attorney's fee.

Section 10. In any concursus proceeding the Attorney of the owner shall be entitled to a prior fee to be recovered against the fund deposited or against the surety, but this fee shall not be paid in preference to the claims of sub-contractors, journeymen, cartmen, truckmen, laborers or material men; and any claim of demurrage or liquidated damage which the owner may have against the contractor may be allowed only with the same rank. Should the owner not recover all he claims in the concursus proceeding the Attorney's fees as fixed by the Court shall be reduced proportionately. In any concursus proceeding there shall be paid by preference over all other claims the costs of the proceedings in Court. Any surety so desiring may invoke the concursus proceeding herein authorized by proper proceeding in Court and by depositing in Court at the time of filing of the proceeding the full amount of the bond, provided, that after the case is at issue such surety may withdraw with the permission of the Court all of the deposit made except sufficient to cover the claims made in the concursus and twenty-five per cent. additional thereto.

When no contract has been entered into.

Section 11. Whenever the owner or his authorized agent or representative undertakes the repair, reconstruction, erection or construction of a building or any other work for his own account or for which no contract has been entered into, then any person furnishing services or material or performing any labor on said building or other structure, may record in the Mortgage Office in the Parish in which said work is being constructed, a certified copy of the building permit, or affidavit of claim or any other writing evidencing same, which recordation shall create a lien and privilege upon the building or other structure and on the land upon which it is situated, as created by this Act, in favor of the said contractor, master mechanic or contracting engineer, and sub-contractors, workmen, journeymen, cartmen, truckmen, mechanics and furnishers of material, as their interest may arise,

for the period of one year from the completion or occupancy of the building or other work which term shall not run pending judicial proceedings.

Section 12. Architects and consulting engineers employed by the owner or other person as provided in Section 2 hereof, in connection with buildings or other work erected or constructed under the terms of this Act shall have a lien and privilege for the payment of their contract charges on the building or other work and on the land on which it stands, of equal rank with the contractor; and said lien and privilege may be recorded at any time up to the limit of time provided in said Section, but shall affect third persons only from the date of recordation.

Architects and consulting engineers.

Section 13. The Claims of laborers in all cases covered by this Act shall be secured by the lien and privilege hereinbefore created against buildings or other works whereon the labor was performed and against the land on which the same is situated, until they have been paid in full.

Claims of laborers.

Section 14. Nothing in this act shall be so construed as to deprive any claimant within the terms of this act of his right of action upon the bond, which right shall accrue at any time after the maturity of his claim.

Section 15. All laws and parts of laws in conflict or inconsistent herewith on the same subject matter be, and the same are hereby repealed; except that all contracts made heretofore or before December 31st, 1922, whether recorded or not, and the rights and obligations of all parties as to incompleting buildings or other works where there is no contract, shall be subject to the laws now existing.

Repealing clause.

Section 16. This law shall be in force and effect from and after the 31st day of December, 1922.

Approved by the Governor:

July 13, 1922, 8:40 p. m.

ACT No. 140.

House Bill No. 411.

By Mr. Dreyfus, Chairman of
The Ways and Means Com-
mittee. Substitute for House
Bill No. 15 by Mr. Schell.

AN ACT

To carry into effect Section 21 of Article 10 of the Constitution of 1921 by levying a tax upon all natural resources severed from the soil or water; including all forms of timber, turpentine and other forest products; minerals, such as oil, gas, sulphur, salt, coal, lignite and ores; also marble, stone,

gravel, sand, shells, and other natural deposits; fixing liability for, and prescribing the method of collecting and enforcing the payment of such tax; requiring those engaged in the severance of, and dealing in, such natural resources to make reports of their business as may be necessary for the proper enforcement of this Act; to provide penalties; and to provide for the imposition and payment of the license tax due and to become due under Act 31 of 1920 and other laws, and as herein provided.

Levying taxes on natural resources severed from soil or water. Section 1. Be it enacted by the Legislature of Louisiana, That for the year 1923, and for each subsequent year, taxes as authorized by Section 21 of Article 10 of the Constitution of 1921, are hereby levied upon all natural resources severed from the soil or water; including all forms of timber, turpentine and other forest products; minerals, such as oil, gas, sulphur, salt, coal, lignite and ores; also marble, stone, gravel, sand, shells and other natural deposits.

Such taxes shall be paid by the owner or proportionately by the owners thereof at the time of the severance, and become due and exigible quarterly, as herein provided; and they shall operate as a first lien and privilege on such natural resources, which lien and privilege shall follow said natural resources into the hands of third persons whether in good or bad faith, and whether the same be found in a manufactured or unmanufactured state.

Classes. Section 2. For the purposes of taxation natural resources severed from the soil or water shall be divided into two classes, on which taxes are hereby levied and shall be paid at the following rates:

Oil and gas 3%. On oil and gas, three per centum (3%) of the gross market value of the total production thereof:

Other resources 2%. On all other natural resources, two per centum (2%) of the gross market value of the total production thereof.

For the purposes of this Act said gross market value of each such product or natural resource shall be computed in its unmanufactured state, and as of the time when, and at the place where, it was severed or taken from the soil or water.

Collection of taxes. Section 3. All such taxes shall be collected quarterly by the respective sheriffs and Ex-Officio Tax Collectors of the several parishes from within which the natural resources are severed, and by them shall be paid into the State Treasury as collected, and in the same manner and at the same time as required by law for other State collections.

Two-thirds to be credited to Severance Tax Fund. When so paid into the State Treasury, two-thirds (2/3) of the severance taxes collected on oil and gas, together with all of the severance taxes collected on all other natural resources severed from the soil or water, shall be credited by the Auditor

and Treasurer to a special fund, which is hereby created, to be known as the Severance Tax Fund of the State of Louisiana.

The remaining one-third (1/3) of the severance taxes collected on oil and gas is hereby allocated to the parish from within which such taxes are collected, and shall be credited to such parish by the Auditor and Treasurer, provided such allocation and credit shall not exceed two hundred thousand dollars (\$200,000.00) in any parish in any one year. When this limit of two hundred thousand dollars (\$200,000.00) shall have been reached, there shall be no further allocation, and all additional collections for the year shall be credited in full to the Severance Tax Fund herein before created.

One-third to be allocated to oil and gas producing parishes.

Section 4. The amounts allocated and credited to each oil and gas producing parish under this Act, shall be apportioned and distributed quarterly among the parish, school, and such district governing authorities as have jurisdiction over the territory from within which such resources are severed and tax collected.

Amounts allocated to parishes to be divided between the parish, school, and district authorities.

Such apportionment and distribution shall be made within the first fifteen days of each calendar quarter by the Auditor and Treasurer in proportion to the amount of advalorem property taxes payable to each such governing authority as shown by the last completed assessment roll, and shall cover all amounts allocated and credited to the parishes during the preceding quarter.

Section 5. Every person, firm, corporation or association of persons severing any natural resources from the soil or water in this State shall, within thirty (30) days after the expiration of each quarter-annual period expiring, respectively, on the last day of March, June, September and December of each year, file with the Supervisor of Public Accounts a statement under oath, on forms prescribed by him, of the business conducted by such person, firm, corporation or association of persons during the last preceding quarter-annual period, showing the kind of natural resources so severed or produced, the gross quantity and actual cash value thereof, the names of the owners at the time of severance, the portion owned by each, and such other reasonable and necessary information pertaining thereto as the Supervisor of Public Accounts may require for the proper enforcement of the provisions of this Act. There shall also be shown on such quarterly reports the location of each such natural resource and the place or places where produced or severed from the soil or water.

Statements to be filed with Supervisor of Public Accounts.

At the time of rendering such quarter-annual report, each person, firm, corporation or association of persons shall concurrently file a duplicate thereof with the tax collector of the parish where said natural resource is taken or severed from the soil or water; and shall pay to the said tax collector a tax

Duplicate statements to be filed with Tax Collector of Parish together with tax.

of 3% on the gross market value of the total amount of oil and gas, and a tax of 2% on the gross market value of the total amount of all other natural resources severed from the soil or water during the preceding three months.

To whom appli-
cable.

Section 6. Except as otherwise provided in this Act, the making of said reports, and the payment of said taxes, shall be by those actually engaged in the operation of severing, whether it be the owner of the soil, or other person severing from the soil of another, or the owner of any such natural resource severing from the soil of another.

The reporting taxpayer shall collect or with-hold out of the value of the products severed, the proportionate parts of the total tax due by the respective owners of such natural resources at the time of severance.

Operators author-
ized to deduct
amount of tax be-
fore making pay-
ments.

Section 7. Every person, firm, corporation or association of persons actually engaged in severing oil, gas, or other natural resources from the soil or water, or actually operating oil or gas property, or other property from which natural resources are severed, under contracts or agreements requiring payment direct to the owners of any royalty interest, excess royalty, or working interest, either in money or in kind, is hereby authorized, empowered and required to deduct from any amount due, or from anything due, the amount of the tax herein levied before making such payments.

Deduction of tax
to be made by pur-
chaser.

Section 8. When any person, firm, corporation or association of persons actually engaged in severing oil or gas, or other natural resources from the soil or water, under contracts or agreements requiring payments direct to any owner of the proportionate share of such natural resource, as set out in the preceding section, shall sell such oil or gas, or other natural resource to any person, firm, corporation or association of persons, under contracts or agreements requiring such purchasers to pay all owners of such natural resources direct, then the person, firm, corporation or association of persons actually severing such natural resources from the soil or water, or actually operating such oil or gas property, may not be required to deduct the tax herein levied, but in which event such deduction shall be made by the purchaser before making payments to each owner of such oil, gas or other natural resources; provided that nothing herein shall be construed as releasing the person, firm, corporation or association of persons severing the products from liability for the payment of said taxes.

Deduction of tax
by purchaser.

Section 9. Every person, firm, corporation or association of persons purchasing oil, gas or any other natural resources severed from the soil or water, under contracts or agreements requiring such purchaser to make payment direct to the owners of such oil, gas, or other natural resource, is hereby authorized, empowered and required to deduct from any amount due any

owner of such natural resource the amount of the tax levied by the provisions of this Act before making such payments.

All persons, firms, corporations or associations of persons required to deduct from amounts due to others the tax herein levied shall file with the Supervisor of Public Accounts, and with the tax collector of the parish where such natural resource is severed from the soil or water, the reports herein required, and shall at the same time pay to the said tax collector the amount of the tax thus deducted or withheld under the provisions of this Act; provided that nothing herein shall be construed as releasing the person, firm, corporation or association of persons severing the resources from liability for the payment of said taxes.

Reports and payment of tax.

Section 10. Whenever the title to any natural resources being severed from the soil or water is in dispute, or whenever the purchaser of such natural resources, or any person, firm, corporation or association of persons engaged in severing natural resources from the soil or water, or in the actual operation of oil or gas property, shall be withholding payments on account of litigation, or for any other reason, such purchaser of natural resources severed from the soil or water, or person, firm, corporation or association of persons actually engaged in severing such natural resources from the soil or water, or the actual operation of oil or gas properties, is hereby authorized, empowered and required to deduct from the gross amount thus held the amount of the tax herein levied, and to make remittance thereof to the tax collector of the parish wherein such natural resources are severed, as herein provided.

Settlement where title of property is in dispute.

Section 11. The owners of natural resources severed from the soil or water are hereby made proportionately responsible for the payment of the tax herein levied, and if the tax due on such natural resources severed from the soil or water is not paid by the purchaser thereof, or by the person, firm, corporation or association of persons actually engaged in severing such natural resources from the soil or water, or operating oil or gas properties, then the Supervisor of Public Accounts shall make, in any manner feasible, and cause to be recorded in the mortgage records of the parish where such natural resources are severed from the soil or water, a statement under oath showing the proportionate amount of the tax due by each said owner of the natural resources severed from the soil or water, which statement when filed for record, shall operate as a first lien, privilege and mortgage on all of the property from which the resources were severed and on all the property of the respective tax debtors as the case may be, and said property shall be subject to seizure and sale for the payment of the taxes due; provided nothing herein shall be construed as waiving or releasing the privilege on the resources severed wherever found.

Owners of natural resources to be held proportionately responsible for tax.

Statement to be recorded.

Notice of seizure
by Supervisor of
Public Accounts.

Section 12. Whenever the Supervisor of Public Accounts shall cause the statement provided for in the preceding section to be recorded, he shall give notice to the tax debtor by registered letter of the recordation of such statement, and fifteen days thereafter the said Supervisor of Public Accounts shall cause the sheriff and tax collector of the parish wherein such natural resources are severed, to seize and sell, for the payment of such taxes, any property belonging to the tax debtor, or tax debtors, as provided above, which may be found within the jurisdiction of the said sheriff and tax collector.

Manner of seizing
property, etc.

Section 13. The sheriff and tax collector of any parish, when requested by the Supervisor of Public Accounts, is hereby required to seize and sell any property, assets and effects belonging to any person, firm, corporation or association of persons owing the tax herein levied on any natural resource severed from the soil or water, after the recordation of the statement required in Section 11, and after the notice required in Section 12 has been given; and all such seizures and sale shall be conducted in the manner and form now required for the sale of similar property for taxes, and penalties shall be imposed and collected as prescribed herein and by general laws.

Property subject
to seizure.

Section 14. All oil and gas leases, interest in minerals, mineral rights, royalty interests, timber contracts, and rights of any kind to the ownership of any natural resource severed from the soil or water, are hereby declared to be subject to seizure and sale for the payment of the tax herein levied in preference to all other claims, liens and privileges.

Penalty for de-
linquency.

Section 15. The tax provided by this Act shall become delinquent after the date fixed for each quarter-annual report to be filed in the office of the Supervisor of Public Accounts, and from such time shall, as a penalty for such delinquency, be subject to a penalty of 2% per month and other penalties provided in the general revenue laws of this State.

Severance tax to
be additional to
other taxes.

The payment of the severance tax levied by this Act shall be in addition to, and shall not affect the liability of the parties so taxed for, the payment of all state, parochial, municipal, district and special taxes levied upon their real estate and other corporeal property; but no further or additional tax or license shall be levied or imposed upon oil or gas leases or rights; nor shall any additional value be added to the assessment of land by reason of the presence of oil or gas therein or their production therefrom. No severance tax or license shall be levied or imposed by any parish or other local subdivision of the State.

Powers and du-
ties of Supervisor
of Public Accounts.

Section 16. The Supervisor of Public Accounts shall have the power to require any person, firm, corporation or association of persons engaged in severing natural products from the soil or water to furnish any additional information by him

deemed to be necessary for the purpose of computing the amount of said tax; and for said purpose to examine the books, records and files of such person, firm, corporation or association of persons; and, to that end, shall have the power to examine witnesses, and if any such witness shall fail or refuse to appear at the request of the Supervisor of Public Accounts, or refuse access to books, records and files, said Supervisor of Public Accounts shall certify the facts and the name of the witness so failing or refusing to appear, or refusing access to books and papers, to the District Court of the State having jurisdiction of the party; and said Court shall thereupon issue a summons to the said party to appear before the said Supervisor, or his assistant, at a place designated within the jurisdiction of the Court, on a day fixed, to be continued as occasion may require, and give such evidence, and open for inspection such books and papers as may be required, for the purpose of ascertaining whether or not any return so made is the true and correct return as herein required; and whenever it shall appear to the Supervisor that any such person, firm, corporation or association of persons engaged in severing such natural products from the soil or water has unlawfully made an untrue or incorrect return, as herein provided, said Supervisor shall correct the return and shall compute said tax on same, and certify the same to the tax collector for collection.

Section 17. If any person, firm, corporation or association of persons shall fail to make a report of the gross production and value of its natural products (upon which the severance tax is herein levied) within the time and in the manner prescribed by law for such report, it shall be the duty of the Supervisor of Public Accounts to examine the books, records and files of any such person, firm, corporation or association of persons to ascertain the amount and value of such production and to compute the tax thereon as provided herein, and according to the procedure hereinbefore provided, where witnesses refuse to testify, or access to books and papers is refused, and shall add thereto the cost of such examination, together with any penalties accruing thereon.

Failure to make reports of gross production, etc., duty of Supervisor of Public Accounts.

Section 18. Any person who shall intentionally make any false oath to any report required by the provisions of this Act shall be deemed guilty of perjury and shall be subject to all penalties prescribed for said crime.

Perjury.

Section 19. It is hereby made the duty of the Supervisor of Public Accounts to supervise and enforce the collection of all taxes that may be due under the provisions of this Act; and, to that end, the said Supervisor is hereby vested with all of the power and authority conferred by this Act.

Supervisor of Public Accounts empowered with collection of taxes.

Purchasers and dealers required to file quarterly reports of all sales.

Section 20. It is hereby made the duty of all purchasers and others dealing in any natural product severed from the soil or water in Louisiana to file quarterly with the said Supervisor of Public Accounts a statement, under oath, showing the names and addresses of all persons, firms, corporations, or associations of persons from whom each said purchaser or dealer has purchased any natural product severed from the soil or water in Louisiana during said quarter; together with the total quantity of, and gross price paid for, each such natural product. Said reports shall be filed within thirty (30) days after the expiration of each quarter, and shall be made on such forms as may be prescribed by said Supervisor of Public Accounts. The failure of any person, firm, corporation or association of persons to make reports as herein provided shall be punished by fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each such offense.

Penalty.

Not to affect Act 31 of 1920.

Section 21. Nothing contained in this Act shall be construed as in any wise impairing or depriving the State of Louisiana of any rights and claims whatsoever it may have for the license tax due or to become due under Act 31 of 1920 and other laws, and as herein provided; said rights and claims being hereby specially reserved, whether they be in litigation or not, and all proceedings pending or which may be brought shall be prosecuted as though this Act had not been enacted; provided that said license tax is hereby imposed and shall be collectible in accordance with the provisions of said Act 31 of 1920 up to and until the time herein prescribed for the reports and payment of the severance tax levied and as levied by this Act; it being the true intent and purpose of this Act that said license tax shall be imposed and collected until the time aforesaid; and provided further that all funds thus collected shall be paid into the Severance License Tax Fund as heretofore.

Constitutional provisions.

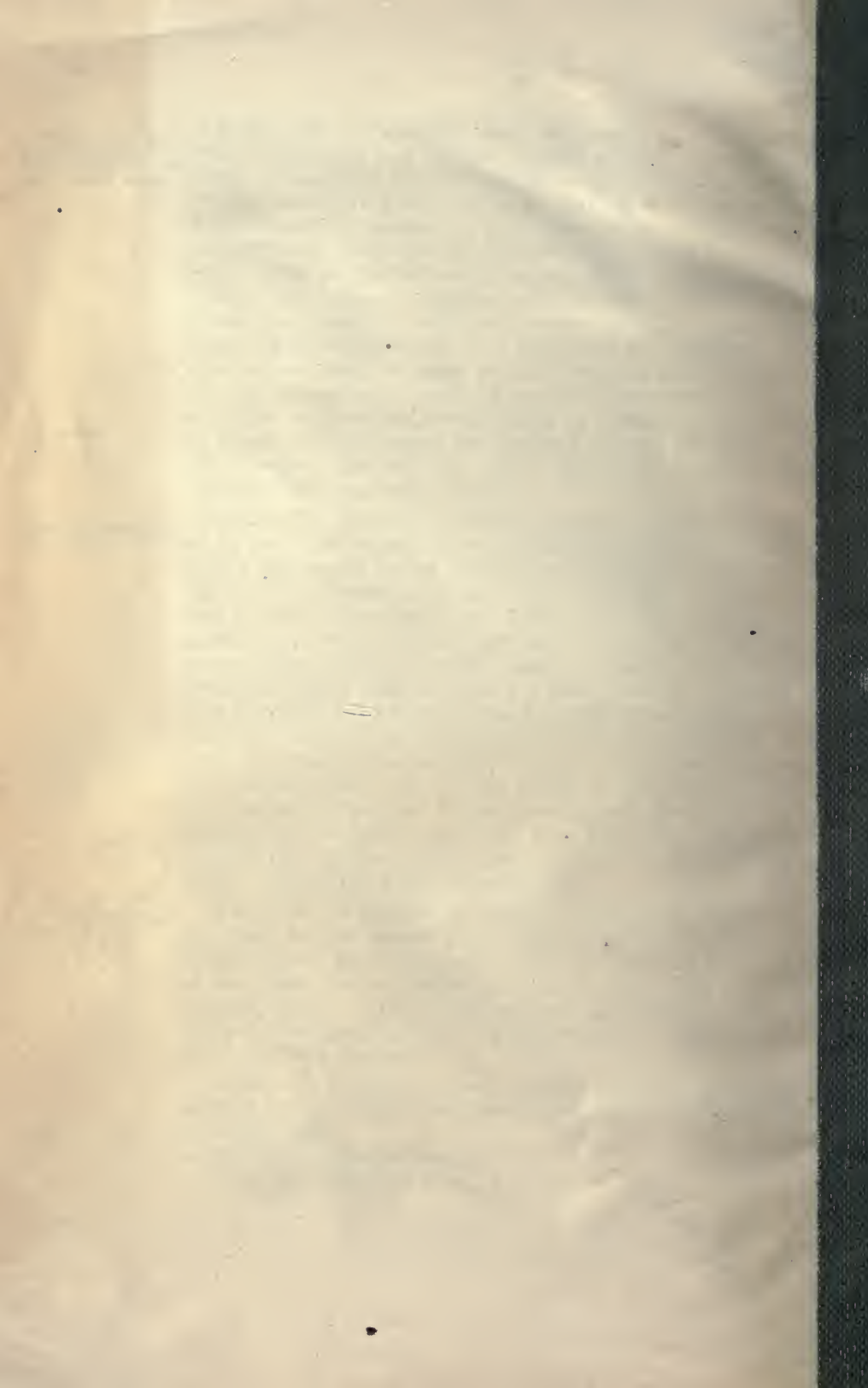
Section 22. If any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or any part thereof, directly involved in the controversy in which such judgment has been rendered.

Section 23. This Act shall become effective in accordance with all its terms and conditions from and after the 31st day of December 1922.

Approved by the Governor:

July 14, 1922, 8:40 a. m.





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